

1 Lori E. Andrus (SBN 205816)
 2 lori@andrusanderson.com
 3 Jennie Lee Anderson (SBN 203586)
 4 jennie@andrusanderson.com
 5 Paul Laprairie(SBN 312956)
 6 paul.laprairie@andrusanderson.com
 7 ANDRUS ANDERSON LLP
 8 155 Montgomery Street, Suite 900
 9 San Francisco, CA 94104
 10 Telephone: (415) 986-1400
 11 Facsimile: (415) 986-1474

12 *Attorneys for Plaintiff*

13 UNITED STATES DISTRICT COURT
 14 FOR THE CENTRAL DISTRICT OF CALIFORNIA
 15 WESTERN DIVISION

16 JI-IN HOUCK, on behalf of herself and
all others similarly situated,

17 Plaintiff,

18 vs.

19 STEPTOE & JOHNSON LLP,

20 Defendant.

Case No. 2:17-cv-04595

**COMPLAINT – CLASS ACTION
AND COLLECTIVE ACTION**

DEMAND FOR JURY TRIAL

21
 22 Statement regarding jurisdiction pursuant to Local Rule 8-1: This Court has
 23 subject matter jurisdiction over this matter pursuant to 28 U.S.C. §§ 1331 (federal
 24 question) and 1332 (diversity of citizenship), and has supplemental jurisdiction
 25 over the state law claims contained herein pursuant to 28 U.S.C. § 1367(a) given
 26 that all of the claims are so related that they form part of the same case or
 27 controversy under Article III of the United States Constitution.

28 //

1 On average, women are paid 80 cents for every dollar men performing the
2 same work are paid.¹ Women lawyers fare worse: on average they are paid only 78
3 cents for their male counterparts' dollar,² while those women who achieve equity
4 partnership earn only 80 cents for every dollar male equity partners make.³

5 Despite paying lip-service to diversity in its workforce, and even counseling
6 the firm's own clients on policies to avoid pay discrimination, Defendant Steptoe &
7 Johnson LLP ("Defendant" or "Steptoe") subjects its female attorneys to unequal
8 pay. Plaintiff Ji-In Houck ("Plaintiff" or "Plaintiff Houck") seeks to remedy this
9 disparity, at least at Steptoe. She therefore brings this lawsuit in her individual
10 capacity and on behalf of similarly-situated women nationwide, to address the
11 systemic gender pay discrimination at Steptoe.

12 Given America's commitment to—in the words ascribed above the door of
13 the United States Supreme Court—"Equal Justice Under Law," a legal profession
14 in which women lawyers are openly valued less than their male peers threatens the
15 very legitimacy with which the public views our country's laws, lawyers, judges,
16 and the justice system itself.

17 //

18 _____
19 ¹ American Association of University Women, *The Simple Truth About the Gender*
20 *Pay Gap: Spring 2017 Edition*, AAUW, 4 (2017), [http://www.aauw.org/
aauw_check/pdf_download/show_pdf.php?file=The-Simple-Truth](http://www.aauw.org/aauw_check/pdf_download/show_pdf.php?file=The-Simple-Truth).

21 ² U.S. Dep't of Labor, *Median Weekly Earnings of Full-Time Wage and Salary*
22 *Workers by Detailed Occupation and Sex*, Bureau of Labor Statistics (Feb. 8,
23 2017), <https://www.bls.gov/cps/cpsaat39.htm>.

24 ³ American Bar Association, Commission on Women in the Profession, *A Current*
25 *Glance at Women in the Law* (Jan. 2017), [https://www.americanbar.org/content/
dam/aba/marketing/women/current_glance_statistics_january2017.pdf](https://www.americanbar.org/content/dam/aba/marketing/women/current_glance_statistics_january2017.pdf) (last visited
26 Jun. 22, 2017). Findings on the gender gap in partner compensation vary. One
27 recent study found a gap in partner pay of 44%. See Jeffrey Lowe, *2016 Partner*
28 *Compensation Survey*, Major, Lindsey & Africa, 9 (Oct. 13, 2016),
<https://www.mlaglobal.com/publications/research/compensation-survey-2016>.

1 Plaintiff therefore alleges, upon knowledge as to herself, and otherwise upon
2 information and belief, as follows:

3 **INTRODUCTION**

4 1. Steptoe & Johnson LLP⁴ employs nearly 500 attorneys in offices
5 across the country and around the world.

6 2. Founded more than a century ago by Phillip Steptoe, and
7 headquartered in Washington, D.C. since 1945, Steptoe enjoys a reputation as a
8 “white shoe” firm of the highest caliber.

9 3. The firm’s history is steeped in military and government service. One
10 of the firm’s founders, Colonel Louis Johnson, became Deputy Secretary of War
11 under President Franklin D. Roosevelt. Later, he was appointed as Secretary of
12 Defense by President Harry Truman.

13 4. The firm and its lawyers routinely receive top rankings in many
14 practice areas by organizations such as *Chambers*, *Legal 500*, *The American*
15 *Lawyer*, and *Best Lawyers*.⁵

16 5. The firm enjoys a robust revenue stream: \$356M in 2016.⁶

17 6. Despite its reputation for excellence, and a century of success, Steptoe
18 does not reward its female attorneys equally when compared to their male
19 counterparts performing equal or substantially similar work. Instead, Steptoe
20 systematically pays female attorneys less than male attorneys. Not only are
21

22 ⁴ Not to be confused with Steptoe & Johnson PLLC, which became an independent
23 firm after separating the Washington and West Virginia offices in the 1980s.

24 ⁵ *Firm History*, Steptoe & Johnson LLP, [http://www.steptoe.com/about-](http://www.steptoe.com/about-history.html)
[history.html](http://www.steptoe.com/about-history.html), (last visited Jun. 19, 2017).

25 ⁶ Katelyn Polantz, *Slow Collections Drag on Growth at Steptoe*, *The American*
26 *Lawyer* (Feb. 17, 2017), [http://www.americanlawyer.com/id=1202779434097/](http://www.americanlawyer.com/id=1202779434097/Slow-Collections-Drag-on-Growth-at-Steptoe)
27 [Slow-Collections-Drag-on-Growth-at-Steptoe](http://www.americanlawyer.com/id=1202779434097/Slow-Collections-Drag-on-Growth-at-Steptoe). In 2016, revenue-per-lawyer was
28 \$955,000 and profits-per-partner were \$940,000. *Id.*

1 Steptoe’s male attorneys paid more (in base salary and in bonuses), they are
2 routinely given higher profile work assignments, and are recognized for their
3 accomplishments, while female attorneys are not. Additionally, Steptoe advances
4 the careers of its male attorneys more quickly than its female attorneys.

5 7. On behalf of the Classes defined below, Plaintiff seeks all legal and
6 equitable relief available pursuant to the Equal Pay Act of 1963, 29 U.S.C. § 201, *et*
7 *seq.*; the California Fair Pay Act, California Labor Code § 1197.5; and California
8 Business & Professions Code § 17200, *et seq.*

9 **PARTIES**

10 8. Plaintiff Ji-In Houck (née Lee) resides in Northridge, County of Los
11 Angeles, California. Plaintiff Houck worked at Steptoe’s office in Century City.
12 Despite Ms. Houck’s exemplary performance as an attorney, the firm discriminated
13 against her on account of her gender.

14 9. Defendant Steptoe & Johnson LLP is a limited liability partnership
15 registered with the California Secretary of State. Steptoe’s principal place of
16 business is Washington, D.C., but Steptoe conducts business in multiple locations,
17 including in California, with offices in Los Angeles and Palo Alto.

18 **JURISDICTION AND VENUE**

19 10. This Court has subject matter jurisdiction over this matter pursuant to
20 28 U.S.C. §§ 1331 and 1332. This Court has supplemental jurisdiction over the
21 state law claims contained herein pursuant to 28 U.S.C. § 1367(a).

22 11. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b)(2)
23 because a substantial part of the events or omissions giving rise to Plaintiff’s claims
24 occurred in this District.

25 //

26 //

27 //

28 //

FACTUAL ALLEGATIONS

Plaintiff Houck’s Experience at Steptoe

12. Plaintiff Houck attended Georgetown University Law Center, where she was an Editor on the Georgetown Journal on Poverty Law & Policy.⁷ After graduation in 2011, Plaintiff Houck passed the bar exam and was sworn into the California Bar later that same year.

13. Plaintiff Houck joined Steptoe & Johnson on May 1, 2013, after having worked as a litigation associate for the previous two years.⁸

14. Plaintiff Houck was initially given the title of “contract attorney,” with an annual salary of \$85,000. She was told by the Century City Managing Partner that the firm would consider changing her title to “associate” after her first year at the firm.

15. Curiously, Steptoe explained that while Plaintiff Houck would be identified as an “attorney” on all external correspondence and on the Firm’s website, internally and on the Firm’s intranet, she would be identified as an “associate.”

16. Apart from unequal pay, Plaintiff Houck otherwise received the same benefits provided to all associates.

17. Plaintiff Houck immediately began doing the work of an associate: conducting legal research and analysis; drafting memos to partners and clients; drafting complaints and answers; preparing and responding to discovery; preparing and responding to motions (of all types, including dispositive motions and

⁷ Plaintiff Houck was consistently an exceptional student. In 2004, she graduated from University of Michigan with High Distinction, having maintained a grade point average of 3.85.

⁸ Plaintiff Houck managed significant responsibilities at her first firm. She ran cases on her own, argued motions, and took and/or defended approximately 50 depositions.

1 discovery motions); document review; document production; drafting deposition
2 outlines and taking depositions; arguing motions; conducting client/witness
3 interviews; drafting mediation and mandatory settlement conference briefs;
4 attending mediations and mandatory settlement conferences; drafting settlement
5 agreements; preparing for trial by, among other things, drafting opening statements,
6 closing arguments, witness examinations, jury instructions, motions in limine, and
7 preparing witnesses (lay and expert).

8 18. Thus, with one glaring exception, there was virtually no distinction
9 from Plaintiff Houck's job compared to the other associates at Steptoe: Plaintiff
10 Houck's remuneration was *half* of others' doing the same work, including
11 numerous male attorneys who were also admitted to the bar in 2011. They were
12 earning \$165,000—almost *double* Plaintiff Houck's salary.

13 19. Nevertheless, Plaintiff Houck quickly began shouldering advanced
14 responsibilities, including second-chairing a state bench trial and a federal jury trial,
15 and first-chairing a state criminal trial to verdict on her own as a volunteer
16 prosecutor.⁹

17 20. At the end of April, 2014, the Chair of Steptoe's Associates
18 Committee informed Plaintiff Houck that her base salary would be increased to
19 \$100,000 (compared to her male counterparts' \$175,000 salaries).

20 21. Plaintiff Houck voiced her frustration to her Associate Deputy, using
21 words to the effect that she "didn't understand how the firm can say she is worth so
22 much less than the other associates."

23 _____
24 ⁹ As always, Plaintiff Houck's performance was impeccable. For example, the
25 supervising attorney at the Los Angeles County City Attorney's Office assessed
26 Plaintiff Houck thusly: "It was a pleasure having you here, albeit, for a short time.
27 You did a great job on a very difficult case. As I stated before you have a great
28 presence in front of the jury, a strong command of your facts and evidence and
overall, connected well with your jury. All very promising qualities in a trial
attorney. You are always welcome back, just let me know when."

1 Around this time, Plaintiff Houck also raised her concerns with another partner
2 who, around this time, was a member of Steptoe’s Executive Committee and
3 eventually the Co-Managing Partner of the Century City/Los Angeles offices.

4 22. Two months later, in June, 2014, Steptoe changed Plaintiff Houck’s
5 official status to “associate,” and increased her salary to \$130,000. At the time,
6 Plaintiff Houck’s male counterparts were earning \$175,000 (\$45,000 more than
7 her).

8 23. Beginning January 1, 2015, Plaintiff Houck’s salary was increased to
9 \$160,000. Meanwhile, her male counterparts were making \$210,000
10 (approximately 30% more than her).

11 24. Though she was a fourth-year attorney by this point, Steptoe was
12 paying Plaintiff Houck the same salary that it paid first-year associates.

13 25. In early 2015, Plaintiff Houck submitted a memo to the Associates
14 Committee stating, essentially, that Steptoe had profited unfairly by paying her a
15 reduced salary compared to her counterparts. She was concerned—rightly—that
16 she would never catch up.

17 26. In March, 2015, Plaintiff Houck received a \$5,000 bonus. At the same
18 time, one of her male counterparts received a \$30,000 bonus.

19 27. Sometime in March/April 2015, Plaintiff Houck told then-Managing
20 Partner of the Century City/Los Angeles offices words to the effect that “I think
21 everyone I work with would agree I am worth more than someone fresh out of law
22 school, so it doesn’t make sense that I am being paid \$160,000.” She asked him,
23 “How do I reach parity?” The partner deflected her question, and advised her to be
24 sure that she met the firm’s requirement for billable hours. In response, Plaintiff
25 Houck told him words to the effect of: “I understand that hitting billable
26 requirements is important, but others get base pay regardless of whether they hit
27 billables, and get more in bonuses if they do hit billables.” To this, the partner had
28

1 no response. He suggested she talk to her assigned “Champion,” a partner in the
2 New York office whom she had never met.

3 28. In December, 2015, Plaintiff Houck attempted to have her concerns
4 addressed by her “Champion.” Among other things, she wrote in an email: “I
5 would like to speak with you about my future at Steptoe. I know that my skills and
6 experience far exceed that of someone straight out of law school, and that I am at
7 least as competent and valuable as my peers. I am concerned that if nothing
8 changes for me then next year I’ll be paid as a second year while my peers are paid
9 nearly 40% more. I do not think this result would be reflective of my demonstrated
10 work at this firm.”

11 29. He never responded.

12 30. In January, 2016, Plaintiff Houck submitted another memo to the
13 Associates Committee, this time asking for a \$50,000 bonus. She provided
14 multiple reasons supporting her request, including this: “My salary history and
15 annual reviews will show that I received a disproportionately low salary every year
16 I have been with Steptoe when compared to my skills, experience, and feedback
17 from my partners.”

18 31. Around this time, she spoke about this request, separately, with three
19 partners. One of those partners told Plaintiff Houck that, in her view, she was the
20 office’s best associate, and that she would try to get Plaintiff Houck’s compensation
21 increased.

22 32. In March, 2016, Plaintiff Houck was given a raise, retroactive to
23 January 1, 2016, to \$200,000. At the time, her male counterparts were earning
24 \$230,000.

25 33. Plaintiff Houck’s last day at Steptoe was March 25, 2016.

26 34. Throughout her tenure at Steptoe, Plaintiff Houck routinely received
27 ratings of “exceptional” and “excellence” in her annual performance evaluations.
28 Some of the partners’ and Of Counsel’s comments include:

- 1 a. "I have been very impressed with her capability, professionalism
2 and demeanor. In fact I was surprised to learn her seniority
3 level is not higher given how competent and reliable she is."
- 4 b. "Ji-In is an exceptionally talented, dedicated and practical
5 attorney. I rely on her to take lead roles on cases. She's an
6 invaluable member of the team."
- 7 c. "Ji-In is very intelligent, expeditious and hardworking. She also
8 has a fantastic 'can-do' personality."
- 9 d. "Ji-In is a gem...a true asset to the firm."
- 10 e. "Ji-In has a bright future here. She has all of the elements of an
11 exceptional attorney. I'm always glad to work with her and
12 appreciate her dedication to the clients' cause, to the firm, her
13 work ethics and bright outlook. We are in constant
14 communication as I rely on her to run many of my cases. I hope
15 she knows how much I value her hard work, dedication,
16 intelligence and personality."
- 17 f. "Ji-In is a real joy to work with."
- 18 g. "Ji-In is a very hardworking associate with a great attitude. She
19 has the fire in her belly that exemplifies what we look for in
20 young associates."
- 21 h. "There is no assignment Ji-In has declined to take on. She is
22 eager to learn and gain experience. Having litigated cases for
23 many years, I am confident she will be a dynamic courtroom
24 advocate. I think her role in taking and defending depositions
25 and participating in trial should be expanded. She is a tireless
26 worker."
- 27 i. "Ji-In is a rare individual, as she combines the attributes of
28 intelligence, hard work, creativity and a pleasant, engaging

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

personality.”

j. “Ji-In is a star. For her level, the experience and expertise level is off the charts.”

k. “Ji-In is an excellent associate in all respects. I really enjoy working with her. She is hard working and intelligent. We are lucky to have her in our firm.”

l. “She is a rising superstar in our office.”

m. “Ji-In is generally my first choice whenever a new matter comes in. She is a great critical thinker, works hard, and is always a pleasure to work with. She is more advanced than her level would suggest; I would trust her in court or to take a deposition. She is just a great asset.”

n. “I recently worked closely with Ji-In on a difficult opposition brief where the law and the facts were against us. Rather than simply give up, Ji-In thoroughly researched the issues and came up with various procedural arguments that gave our client a solid chance of prevailing. Not only did Ji-In think critically and proactively about the assignment, she drafted an opposition brief that was especially well-written. It was well-organized, clearly-written, and persuasive. The brief was stellar and was at the level of an excellent senior associate. I would highly recommend Ji-In to others and look forward to the opportunity to work with her on future assignments.”

o. “In my opinion there is no task that is beyond Ji-In’s capabilities as a litigator.”

The Devaluation of Steptoe & Johnson LLP’s Women Attorneys

35. Steptoe has always been almost exclusively run by men. Both Steptoe’s Chair and Vice-Chair are male. The seven attorneys who are “Managing

1 Partners” of Steptoe’s offices are all men. The 13-person Compensation
2 Committee is majority male, and the Associates Committee has historically been
3 heavily male-dominated as well.

4 36. At the partner level, Steptoe has only 42 women compared to 177 men,
5 just 19.2% female and below the national average of 22.1%.¹⁰ The lack of
6 representation of women in the firm’s partnership ranks cannot easily be explained,
7 especially given that women have been graduating from law school in near equal
8 numbers for 30 years.¹¹

9 37. Steptoe’s lower ranks reflect a more balanced gender division, with
10 slightly fewer than half of the firm’s associates being female (specifically, as of the
11 drafting of this Complaint: 68 female associates compared to 74 male associates, or
12 48% female). The sharp contrast between the number of women associates and
13 women partners exposes Steptoe’s utter failure to retain women attorneys over the
14 long term.¹² Observers of the legal market recognize that high attrition rates are

15 ¹⁰ National Association for Law Placement, Inc., *2016 Report on Diversity in U.S.*
16 *Law Firms*, (Jan. 2017), [http://www.nalp.org/uploads/Membership/](http://www.nalp.org/uploads/Membership/2016NALPReportonDiversityinUSLawFirms.pdf)
17 [2016NALPReportonDiversityinUSLawFirms.pdf](http://www.nalp.org/uploads/Membership/2016NALPReportonDiversityinUSLawFirms.pdf), (last visited Jun. 22, 2017).

18 ¹¹ ABA Section of Legal Education and Admission to the Bar, *Enrollment and*
19 *Degrees Awarded: 1963 – 2012*, American Bar Association,
20 [https://www.americanbar.org/content/dam/aba/administrative/legal_education_and](https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/statistics/enrollment_degrees_awarded.pdf)
21 [admissions_to_the_bar/statistics/enrollment_degrees_awarded.pdf](https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/statistics/enrollment_degrees_awarded.pdf), (last visited Jun.
22 19, 2017) (American Bar Association annual statistics, showing that in 1985
23 women accounted for approximately 40% of first-year law students, and 50% of
24 total J.D. enrollment in 1992).

25 ¹² Despite a common misperception, research on gender diversity indicates that
26 women *do not* leave the legal field to have children or raise a family. *See e.g.*,
27 Daniella Isaacson, *Elite Retreat: Do Women From Top Law School Leave the Law*
28 *Earlier?* (Sep. 15, 2016), [http://www.law.com/sites/ali/2016/09/15/elite-retreat-do-](http://www.law.com/sites/ali/2016/09/15/elite-retreat-do-women-from-top-law-schools-leave-the-law-earlier/)
[women-from-top-law-schools-leave-the-law-earlier/](http://www.law.com/sites/ali/2016/09/15/elite-retreat-do-women-from-top-law-schools-leave-the-law-earlier/) (“[O]nly about 10% of women
leave the labor market to raise children.”); *see also*, David Perla, *The Law Firm*
Gender Diversity Index: Findings and Analysis, Above the Law, 10,
https://www.bna.com/uploadedFiles/BNA_V2/Legal/Pages/Landing_Pages/LawFir

1 often attributable to a firm’s management style, and not to any issue specific to
2 women attorneys or the legal profession generally.¹³ Steptoe is clearly no
3 exception.

4 38. One obvious example of the lack of support Steptoe’s female attorneys
5 endure is found in the marketing materials featured on the firm’s website.
6 Although Steptoe claims its motto is “Strength in Diversity,”¹⁴ Steptoe’s feeble
7 encouragement of women at the firm is on display in its own promotional efforts.
8 Of the 287 news items on Steptoe’s website in the last year, female attorneys were
9 recognized by the firm 156 times, while male attorneys were featured 614 times.
10 That’s approximately 4 times as many mentions for men then women.¹⁵ For all its
11 talk, Steptoe’s devotion to the promotion of its female attorneys, it seems, is as thin
12 and delicate as gossamer wings.

13 //

14 [mGenderDiversityIndex_2016.pdf](#), (last visited Jun. 19, 2017) (“[D]ata suggests
15 that environmental factors within the workplace may be the primary driver of
16 female attrition, rather than environmental factors in the home or in society at
17 large.”); Lean In and McKinsey & Company, *Women in the Workplace* (2015),
18 [https://www.nmhc.org/uploadedFiles/Articles/External_Resources/McKinsey-
19 LeanIn%20Women_in_the_Workplace_2015.pdf](https://www.nmhc.org/uploadedFiles/Articles/External_Resources/McKinsey-LeanIn%20Women_in_the_Workplace_2015.pdf) (“Women are not leaving
organizations at higher rates than men.”).

20 ¹³ See e.g., Lisa Miller, *Stop Blaming Women for Holding Themselves Back at*
21 *Work*, New York Magazine (Dec. 2, 2014), [https://www.thecut.com/2014/12/stop-
22 blaming-women-for-holding-themselves-back.html](https://www.thecut.com/2014/12/stop-blaming-women-for-holding-themselves-back.html) (“[T]he problem lies with the
culture in the workplace itself.”); Liane Jackson, *Minority women are disappearing*
23 *from BigLaw—and here’s why*, ABA Journal (Mar. 1, 2016),
24 [http://www.abajournal.com/magazine/article/minority_women_are_disappearing_fr
om_biglaw_and_heres_why](http://www.abajournal.com/magazine/article/minority_women_are_disappearing_from_biglaw_and_heres_why).

25 ¹⁴ *Diversity*, Steptoe & Johnson LLP, [http://www.steptoe.com/careers-
26 diversity.html](http://www.steptoe.com/careers-diversity.html), (last visited Jun. 19, 2017).

27 ¹⁵ *News*, Steptoe & Johnson LLP, <http://www.steptoe.com/news-newsroom.html>,
28 (last visited Jun. 19, 2017).

1 39. Although Steptoe claims to “pursue its mission of bringing women
2 professionals together to share experiences and build networking opportunities,”
3 through its Women’s Forum (“an organized committee that sponsors activities to
4 advance, recognize, and connect our women lawyers and professionals”),¹⁶ this is
5 empty talk. Each year Plaintiff Houck worked at Steptoe, she was asked to
6 complete a form indicating her interest in various committees. Each year, Plaintiff
7 Houck checked the box next to “Diversity/Women’s.” Nothing ever came of it,
8 however, and Plaintiff Houck was never engaged by Steptoe’s “Women’s Forum,”
9 in any respect. Despite the firm’s promise that the Women’s Forum “provides
10 support to our women lawyers at all levels in connection with career advancement
11 and business development,”¹⁷ Plaintiff Houck’s experience evidences a true lack of
12 investment in the firm’s women lawyers. Window dressing like Steptoe’s
13 Women’s Forum cannot be a substitute for fair and legal treatment of employees.

14 40. Notably, Steptoe is absent from both the *National Law Journal*’s list of
15 the top 100 law firms in its most recent “Women in Law Scorecard” and *Law360*’s
16 list of 100 large law firms recognized for being “Best Law Firms for Female
17 Attorneys.”¹⁸

18 41. In 2011, recognizing a lack of diversity in its ranks, Steptoe constituted
19 an external Diversity Advisory Board (“DAB”) “to serve as a conduit through
20 which Steptoe can import current information on innovative inclusion strategies,
21

22 ¹⁶ *Women’s Forum*, Steptoe & Johnson LLP, <http://www.steptoe.com/about-women.html>, (last visited Jun. 19, 2017).

23
24 ¹⁷ *Careers*, Steptoe & Johnson LLP, <http://www.steptoe.com/careers-diversity.html>, (last visited Jun. 19, 2017).

25
26 ¹⁸ *The Best Big Firms in Big Law for Women*, *The American Lawyer* (Aug. 1, 2016), <http://www.americanlawyer.com/home/id=1202762963381>; Jacqueline Bell, *The 100 Best Law Firms for Female Attorneys*, <https://www.law360.com/articles/784729/the-100-best-law-firms-for-female-attorneys>, (last visited Jun. 19, 2017).
27
28

1 business trends, and challenges in the legal market, as well as to ensure
2 accountability and to advocate for Steptoe’s success.”¹⁹

3 **Steptoe & Johnson LLP Underpaid Other Women Attorneys**

4 42. Plaintiff Houck is not alone. She is aware of other women attorneys
5 who were also underpaid by Steptoe.

6 43. For example, one female associate, hired in 2013 with nine years of
7 experience, was placed in a lower pay level than men licensed to practice law for
8 the same amount of time: she was paid \$190,000 while her male counterparts were
9 earning \$250,000-\$280,000. This associate was doing the exact same work as her
10 male counterparts, but was paid substantially less.

11 44. Another female attorney was brought in as a contract attorney in 2010.
12 When she was eventually given the title of associate in 2014, she was placed in a
13 lower pay level than she should have been given her level of experience (she was
14 licensed to practice law in 2005). She was paid \$160,000 while her male
15 counterparts were earning \$250,000-\$280,000 for the same or substantially similar
16 work.

17 **Steptoe & Johnson LLP’s Refusal to Correct the Problem**

18 45. Plaintiff Houck complained about her pay over a period of years, and
19 Steptoe did nothing to correct the disparity between her and her male counterparts,
20 despite the fact that the firm’s Employment Law team—with “more than 200 years
21 of experience,” according to Steptoe’s website—is well-prepared to understand the
22 importance of equal pay for women.²⁰

23 //

24
25 ¹⁹ *Diversity*, Steptoe & Johnson LLP, <http://www.steptoe.com/about-diversity.html>,
26 (last visited Jun. 19, 2017).

27 ²⁰ *Practice Areas: Labor & Employment*, Steptoe & Johnson LLP,
28 <http://www.steptoe.com/practices-401.html>, (last visited Jun. 19, 2017).

1 46. Steptoe handles “a broad range of advisory and litigation matters on
2 behalf of employers” and regularly advises clients on issues affecting equal
3 employment opportunity and wrongful discharge.²¹ Steptoe’s litigation experience
4 is equally broad, ranging from “assisting clients at all level of administrative and
5 judicial litigation to having represented clients in leading employment class action
6 and sexual harassment cases before the Supreme Court.”²²

7 47. As Steptoe explains on its website: “Proactive employers can prepare
8 themselves to address pay discrimination claims. . . First, employers should adopt
9 procedures to review and document all performance and pay
10 determinations. Second, employers should consider an internal audit of
11 compensation practices to identify discrepancies, particularly those that may affect
12 employees with protected characteristics. Finally, document retention policies
13 should be reviewed with long-term storage in mind...Of course, employers should
14 train managers and supervisors on all non-discrimination policies, including those
15 that prohibit pay discrimination.”²³

16 48. Had Steptoe taken Plaintiff Houck’s complaints seriously over the
17 years—as it counsels its clients to do—this lawsuit would have likely been averted.

18 **Steptoe’s Highly-Structured Organization and Centralized Decision-Making**

19 49. Steptoe’s compensation policies, practices, and procedures are
20 consistent across its offices nationwide. The administration of Steptoe’s

21 _____
22 ²¹ *Id.*

23 ²² *Id.* Until recently, Steptoe’s legal team even included the former General
24 Counsel of the United States Equal Employment Opportunity Commission. *See*
25 *Alumni*, Steptoe & Johnson LLP, <http://www.steptoe.com/careers-alumni.html>, (last
visited Jun. 19, 2017).

26 ²³ Elizabeth Call & Sandra Sanders, *Ledbetter Act Opens Door for More Pay*
27 *Discrimination Claims* (Feb. 2, 2009), [http://www.steptoe.com/resources-detail-](http://www.steptoe.com/resources-detail-5867.html)
28 [5867.html](http://www.steptoe.com/resources-detail-5867.html).

1 compensation system for attorneys is centralized, and the firm’s compensation
2 decisions originate from a highly concentrated and male-dominated management
3 regime.

4 50. Steptoe’s attorney job responsibilities are consistent nationwide.

5 51. Steptoe maintains an intranet, which all of its attorneys can access for
6 employment-related information.

7 52. Steptoe utilizes uniform performance evaluations across all of its
8 offices, and makes centralized decisions about billable hours, bonuses, and all
9 manner of other employment policies governing its attorneys’ employment
10 conditions.

11 53. Steptoe’s management hierarchy is well-defined and highly structured.

12 54. There is an Executive Committee, which is responsible for the
13 development and implementation of firm policy. The Executive Committee is
14 headed by a Chair (male) and Vice-Chair (also male). The Chair is considered
15 Steptoe’s “managing partner.” Today, the Executive Committee consists of nine
16 men and two women.

17 55. Historically, the Executive Committee has been nearly exclusively
18 male.

19 56. There are six primary Practice Departments, including: Business
20 Solutions, Litigation, Energy & Natural Resources, International, Technology, and
21 Internet & Media, although Steptoe attorneys “are not strictly departmentalized and
22 often practice in several areas of the firm.”²⁴

23 //

24 //

25 //

26 _____
27 ²⁴ *Careers: Work Environment*, Steptoe & Johnson LLP,
28 <http://www.steptoe.com/careers-environment.html>, (last visited Jun. 19, 2017).

1 Steptoe's Practice Departments are further compartmentalized into 26 Practice
2 Areas, overseen by Practice Group Leaders, who work closely with the Chair in
3 developing and managing the firm's practice in all respects.²⁵

4 57. Of the 42 Practice Group Leader positions, only seven are filled by
5 women, or 16.7%.

6 58. The Compensation Committee consists of the Chair of the Executive
7 Committee and eight members elected by the partnership.

8 59. The Compensation Committee is, and historically has been, majority
9 male.

10 60. The Associates Committee is composed of partners and associates,
11 with two associates serving as Vice-Chairs. The Associates Committee oversees all
12 matters relating to associates, including their entry and orientation into the firm,
13 compensation, evaluations, training and professional development. Each year,
14 Steptoe's associates across the country are evaluated by partner members of the
15 Associates Committee.

16 61. The Associates Committee is, and historically has been, majority male.

17 62. The firm has detailed written policies on all manner of topics,
18 including taking on new clients, case budgeting, time keeping and billing rates,
19 expense accounts and reimbursement policies, electronic communications, internet
20 use, vacations, parental leave, opinion letters, representation of prior retained
21 clients, responses to auditors, inventions, and others.

22 63. The firm utilizes centralized systems for docket control, training of
23 legal assistants, billing and collections, library/research assistance, and other core
24 firm tasks.

25 //

26 _____
27 ²⁵ Some Practice Groups have a sole Practice Group Leader; others have multiple
28 Practice Group Leaders.

1 64. Associates are trained in-house in accordance with firm-wide,
2 substantive, training protocols.

3 65. In the past, Steptoe's associates have been segregated into eight
4 compensation levels. Level 1 is generally for those associates who are in their first
5 year out of law school; Level 2 for second years, and so on through Level 7.
6 Steptoe's compensation levels have not been strictly adhered to and Steptoe has
7 unfairly relegated women attorneys to lower levels than their male counterparts, a
8 practice which contributes to the unequal pay of the firm's women attorneys.

9 **Steptoe's Policies, Practices and Procedures Result In Unequal Pay**

10 66. Steptoe's male-dominated leadership maintains centralized control
11 over the firm's compensation policies, practices and procedures which result in
12 unequal pay. Additionally, Steptoe's male-dominated leadership maintains
13 centralized control over other policies, practices and procedures which impact
14 compensation, such as, job assignment, career progression, promotion, training, and
15 evaluations. Such policies, procedures and practices are not valid, job-related, or
16 justified by business necessity.

17 67. The employment policies, procedures and practices at issue are not
18 unique or limited to any particular office; rather, they apply to all of Steptoe's
19 locations and, thus, affect all women attorneys in the same manner regardless of the
20 office in which they work.

21 68. Steptoe's uniform policies, procedures and practices suffer from a lack
22 of transparency, adequate quality standards and controls, sufficient implementation
23 metrics, management/HR review, and opportunities for redress or challenge. As a
24 result, women attorneys are assigned, evaluated, compensated, developed, and
25 promoted within a system that is insufficiently designed, articulated, explained or
26 implemented to consistently, reliably or equitably manage or reward employees.

27 69. Steptoe also lacks a system of accountability with respect to gender
28 discrimination. Social science research has increasingly shown that implementing a

1 meaningful system which holds employees accountable for making unbiased
2 personnel decisions is an effective means of eradicating unequal pay. A meaningful
3 system of accountability includes transparency in the distribution of opportunities
4 and rewards, which is sorely deficient at Steptoe. A meaningful system of
5 accountability also includes regular monitoring to identify instances in which
6 rewards and opportunities are not distributed appropriately. Decision makers
7 should be required to justify personnel decisions, and some entity, individual or
8 department, should be charged with addressing instances in which fair treatment
9 has been violated, and sanctioning those who engage in unfair treatment. In other
10 words, organizations need a department or individual who receives regular reports
11 on the decisions that have been made impacting gender. That individual or
12 department must regularly monitor all personnel actions to compare how employees
13 of different sexes have been treated, and must have sufficient clout to remedy unfair
14 personnel actions and appropriately sanction the decision makers who violated the
15 organization's standards of fair behavior.

16 70. Businesses have systems of accountability for all consequential
17 processes—accident rates, losses, output, etc. The research on accountability
18 shows that decision makers who know that they are going to be held accountable
19 for an outcome are less likely to use irrelevant criteria in making a decision, and
20 that women fare better in organizations that have accountability systems associated
21 with personnel evaluation.

22 71. Without the appropriate standards, guidelines, or transparency
23 necessary to ensure an equitable workplace, unfounded criticisms may be lodged
24 against women attorneys and illegitimate criticisms may be given undue weight.

25 72. Like other firms that operate without transparency, consistency, and
26 accountability, Steptoe's partnership tends to value male attorneys more than
27 female attorneys. The firm's overall corporate culture and the uniform policies,
28 procedures and practices inevitably result in systemic pay discrimination to the

1 disadvantage of the firm’s female attorneys. Such pay discrimination is manifested
2 in multiple ways, including, without limitation, by: (a) paying Plaintiff Houck and
3 other female attorneys less than similarly-situated male attorneys; (b) failing to
4 advance Plaintiff and other female attorneys at the same rate as male attorneys
5 performing equal or substantially similar work; and (c) other adverse employment
6 actions.

7 **CLASS ACTION ALLEGATIONS**

8 **Federal Equal Pay Act Claims are Brought on Behalf of a Nationwide Class**

9 73. Plaintiff alleges violations of the federal Equal Pay Act (“EPA”) on
10 behalf of: any woman employed by Steptoe & Johnson LLP at any time during the
11 applicable liability period as a contract attorney and/or associate (the “**Nationwide**
12 **EPA Class**”).

13 74. Members of the Nationwide EPA Class were not compensated equally
14 to males who performed equal work based on Steptoe’s common and centralized
15 employment policies, procedures and practices and/or were denied assignment,
16 placement, promotion and/or advancement opportunities that would have resulted
17 in greater compensation in favor of less-qualified males based on Steptoe’s
18 common and centralized employment policies, procedures and practices.

19 75. Questions of law and fact common to Plaintiff and the Nationwide
20 EPA Class include, without limitation:

- 21 (a) whether Steptoe failed to compensate Nationwide EPA Class members
22 at levels commensurate with males performing equal work;
- 23 (b) whether Steptoe failed to assign, place, promote and/or advance
24 Nationwide EPA Class members to higher paying positions in a
25 fashion commensurate with similarly-situated males;
- 26 (c) whether Steptoe’s policies, procedures or practices of failing to
27 compensate Nationwide EPA Class members on par with comparable
28 males as a result of (a) and (b) violate applicable provisions of the

1 EPA; and

2 (d) whether Steptoe’s failure to compensate Nationwide EPA Class
3 members on par with comparable males as a result of (a) and (b) was
4 “willful” within the meaning of the EPA.

5 76. Violations of the EPA may be brought and maintained as an “opt-in”
6 collective action pursuant to 29 U.S.C. § 216(b), because Plaintiff’s claims are
7 similar to the claims of all putative members of the Nationwide EPA Class.

8 77. Plaintiff and the members of the Nationwide EPA Class are similarly
9 situated due to the fact that they:

10 (a) have/had jobs requiring substantially equal skill, effort and
11 responsibility;

12 (b) have/had jobs performed under similar working conditions;

13 (c) have/had substantially similar job classifications, job functions, job
14 titles, job descriptions, and/or job duties; and

15 (d) are/were all subject to Steptoe’s common and centralized
16 compensation policies, procedures and practices resulting in unequal
17 pay based on sex by:

18 (i) failing to compensate Nationwide EPA Class members on par with
19 males who perform/ed equal work, and

20 (ii) failing to provide Nationwide EPA Class members equal pay by
21 denying opportunities for assignment, placement, promotion and/or
22 advancement that would have resulted in greater compensation to
23 them comparable to those afforded to males who perform/ed equal
24 work.

25 **Claims Brought on Behalf of a California Class**

26 78. In addition to the Nationwide EPA Class, Plaintiff alleges violations of
27 California law on behalf of: any woman employed in California by Steptoe &
28

1 Johnson LLP at any time during the applicable liability period as a contract attorney
2 and/or associate (the “**California Class**”).

3 79. On behalf of the California Class, Plaintiff bring claims under the
4 California Fair Pay Act, California Labor Code § 1197.5, and California’s Unfair
5 Competition Law, Cal. Bus. & Prof. Code § 17200 *et seq.*

6 80. The proposed California Class meets the requirements for certification
7 pursuant to Federal Rule of Civil Procedure 23(a), as well as subsections (b)(2),
8 (b)(3) and (c)(4), as described below.

9 **Numerosity and Impracticability of Joinder**

10 81. On information and belief, the California Class consists of dozens of
11 former, current and future female attorneys, too numerous to make joinder
12 practicable.

13 **Common Questions of Law and Fact**

14 82. The prosecution of the California Class’ claims requires the
15 adjudication of numerous questions of law and fact common to Plaintiff Houck’s
16 individual claims and those of the California Class members.

17 83. The common questions of law include, *inter alia*:

18 (a) whether Steptoe has engaged in unlawful pay discrimination in its
19 compensation, assignment, performance evaluation, promotion, and/or
20 advancement policies, procedures and practices, and in the general
21 terms and conditions of work and employment under the California
22 Fair Pay Act;

23 (b) whether the failure to institute adequate standards, quality controls,
24 implementation metrics, or oversight in assignment, compensation,
25 evaluation, development, promotion and/or advancement systems
26 violates the California Fair Pay Act;

27 (c) whether the lack of transparency and of opportunities for redress in
28 those systems violates the California Fair Pay Act and/or other

1 statutes; and

2 (d) whether Steptoe's failure to prevent, investigate, or properly respond
3 to evidence and complaints of discrimination in the workplace violates
4 the California Fair Pay Act.

5 84. The common questions of fact include whether Steptoe has, *inter alia*:

6 (a) used a system of assignment that lacks meaningful or appropriate
7 standards, implementation metrics, quality controls, transparency, and
8 opportunities for redress;

9 (b) through the use of that system of assignment, placed California Class
10 members in job classifications and/or job titles lower than similarly-
11 situated males;

12 (c) systematically, intentionally and/or knowingly placed California Class
13 members in job classifications and/or job titles lower than similarly-
14 situated males;

15 (d) used a compensation system that lacks meaningful or appropriate
16 standards, implementation metrics, quality controls, transparency and
17 opportunities for redress;

18 (e) through the use of that compensation system, compensated California
19 Class members less than similarly-situated males in salaries, bonuses,
20 raises, and/or benefits;

21 (f) systematically, intentionally, and/or knowingly compensated
22 California Class members less than similarly-situated males;

23 (g) used a promotion system that lacks meaningful or appropriate
24 standards, implementation metrics, quality controls, transparency and
25 opportunities for redress;

26 (h) through the use of that promotion system, precluded or delayed the
27 promotion of California Class members into higher level positions
28 traditionally held by males;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- (i) systematically, intentionally and/or knowingly precluded or delayed the promotion of California Class members into higher levels positions traditionally held by males;
- (j) used a system for performance evaluations that lacks meaningful or appropriate standards, implementation metrics, quality controls, transparency and opportunities for redress;
- (k) through the use of that performance evaluation system inadequately, inequitably, or disparately measured and classified California Class members' and similarly-situated males' performance;
- (l) systematically, intentionally and/or knowingly subjected California Class members to inaccurate, inequitable or discriminatorily-lowered performance evaluations;
- (m) used HR and equal employment opportunity systems that lack meaningful or appropriate standards, implementation metrics, quality controls, transparency and opportunities for redress;
- (n) through the use of those systems, minimized, ignored or covered up evidence of pay discrimination and/or otherwise mishandled the investigation of responses to complaints of pay discrimination brought to the attention of partners, the HR department, or through other reporting channels;
- (o) systematically, intentionally, and/or knowingly showed an indifference to evidence of discrimination in the workplace or otherwise minimized, ignored, mishandled, or covered up evidence of or complaints about pay discrimination; and
- (p) failed to adequately or meaningfully train, coach or discipline partners and other management personnel on equal employment opportunity principles and compliance.

//

1 85. The answers to these common questions will be the same for Plaintiff
2 Houck and all California Class members and will establish (or not establish) the
3 elements of Plaintiff's claims at the same time as the California Class members'
4 claims.

5 **Typicality**

6 86. Plaintiff Houck's claims are typical of the claims of the California
7 Class. The relief sought by Plaintiff for gender pay discrimination complained of
8 herein is also typical of the relief sought on behalf of the California Class.

9 87. Like the members of the California Class, Plaintiff is female and
10 worked as an attorney for Steptoe during the liability period and was paid less than
11 her male counterparts doing the same or substantially similar work.

12 88. Additionally, discrimination in assignment, selection, promotion,
13 and/or advancement affected the compensation and employment opportunities of
14 Plaintiff Houck and all members of the California Class in the same or similar way.

15 89. Steptoe has failed to create adequate incentives for its partners and HR
16 personnel to comply with its own policies and equal employment opportunity laws
17 regarding each of the employment policies, procedures and practices referenced in
18 this Complaint, and has failed to adequately discipline its partners and HR
19 personnel when they violated firm policy and/or discrimination laws. These
20 failures have affected Plaintiff and the California Class members in the same or
21 similar ways.

22 90. The relief necessary to remedy the claims of Plaintiff Houck is the
23 same relief necessary to remedy the claims of the California Class members in this
24 case.

25 **Adequacy of Representation**

26 91. Plaintiff Houck's interests are co-extensive with those of the members
27 of the California Class. Plaintiff seeks to remedy Steptoe's discriminatory
28 employment policies, procedures and practices so that California Class members

1 will no longer be paid less than their male counterparts doing the same or similar
2 work. Plaintiff is willing and able to represent the California Class fairly and
3 vigorously as she pursues her individual claims in this action.

4 92. Plaintiff Houck has retained counsel who are qualified, experienced,
5 and able to conduct this litigation and to meet the time and fiscal demands required
6 to litigate an employment discrimination class action of this size and complexity.
7 The interests, experience, and resources of Plaintiff's counsel to litigate
8 competently the individual and class claims at issue in this case satisfy the
9 adequacy of representation requirement.

10 **Requirements of Rule 23(b)(2)**

11 93. Steptoe has acted or refused to act on grounds that apply generally to
12 the California Class, so that final injunctive relief and/or corresponding declaratory
13 relief is appropriate respecting the California Class as a whole.

14 94. Steptoe has failed to create adequate incentives for its partners, and its
15 managerial and supervisory personnel, to comply with laws regarding the
16 employment policies, practices, and procedures described herein.

17 95. Steptoe has acted on grounds generally applicable to Plaintiff Houck
18 and the California Class by adopting and implementing systemic policies, practices,
19 and procedures that are discriminatory.

20 96. Steptoe has refused to act on grounds generally applicable to the
21 California Class by, *inter alia*, paying Plaintiff Houck and California Class
22 members less than similarly-situated males; and failing to promote or advance
23 Plaintiff Houck and California Class members at the same rate as similarly-situated
24 males.

25 97. Steptoe's systemic discrimination and refusal to act on grounds that
26 are not discriminatory have made appropriate the requested final injunctive or
27 declaratory relief with respect to the California Class as a whole.

28 //

Requirements of Rule 23(b)(3)

1
2 98. The common issues of fact and law affecting the claims of Plaintiff
3 Houck and the California Class members predominate over any issues affecting
4 only individual claims. These issues include whether Steptoe has engaged in
5 gender discrimination against California Class members by:

- 6 (a) paying Plaintiff Houck and California Class members less than
7 similarly-situated males performing the same or substantially similar
8 work;
9 (b) failing to promote or advance Plaintiff Houck and California Class
10 members at the same rate as similarly-situated males; and
11 (c) failing to prevent, respond to, adequately investigate, and/or
12 appropriately resolve instances of gender pay discrimination.

13 99. Prosecution of these claims on a class-wide basis is the most efficient
14 and economical means of resolving the questions of law and fact common to the
15 claims of Plaintiff Houck and the California Class.

16 100. Plaintiff Houck's individual claims require resolution of the common
17 questions of whether Steptoe has engaged in pay discrimination against the
18 California Class members.

19 101. Plaintiff Houck has standing to seek such relief because of the adverse
20 effect that such discrimination has had on her as an individual and on California
21 Class members generally. Steptoe caused Plaintiff's injuries through its
22 discriminatory policies, procedures and practices. These injuries are redressable
23 through systemic relief and class-wide remedies.

24 102. In order to achieve such class-wide relief, Plaintiff will first establish
25 the existence of systemic gender pay discrimination as the premise for the relief she
26 seeks. Without class certification, the same evidence and issues would be subject to
27 re-litigation in a multitude of individual lawsuits with an attendant risk of
28 inconsistent adjudications and conflicting obligations. Certification of the

1 California Class is the most efficient and judicious means of presenting the
2 evidence and arguments necessary to resolve such questions for Plaintiff Houck, the
3 California Class, and the Defendant.

4 103. The cost of proving the damages caused by Steptoe’s policies,
5 procedures and practices makes it impracticable for Plaintiff Houck and members
6 of the California Class to prosecute their claims individually.

7 **Requirements of Rule 23(c)(4)**

8 104. Class-wide liability and the relief sought herein present common issues
9 capable of class-wide resolution, which would advance the interests of the parties in
10 an efficient manner.

11 **FIRST CLAIM FOR RELIEF**
12 **VIOLATIONS OF THE FAIR LABOR STANDARDS ACT OF 1938,**
13 **AS AMENDED BY THE EQUAL PAY ACT OF 1963**
14 **DENIAL OF EQUAL PAY FOR EQUAL WORK**
15 **29 U.S.C. § 206(d) et seq.**
16 **(On Behalf of Plaintiff and the Nationwide EPA Class)**

17 105. Plaintiff hereby incorporates and realleges each and every preceding
18 paragraph of this Complaint as if the same were set forth at length herein.

19 106. This cause of action is brought by Plaintiff, individually, and on behalf
20 of the Nationwide EPA Class, including all Nationwide EPA Class members who
21 “opt in” to this action.

22 107. Steptoe & Johnson LLP is an “employer” within the meaning of 29
23 U.S.C. § 203(d).

24 108. Plaintiff and members of the Nationwide EPA Class are “employees”
25 within the meaning of 29 U.S.C. § 203(e).

26 109. Steptoe’s offices across the country conduct related activities under
27 centralized control, and for a common business purpose. As such, even though the
28 Nationwide EPA Class members work in different locations, they are all employed
by a single establishment.

//

1 110. Steptoe has discriminated against Plaintiff and the Nationwide EPA
2 Class members in violation of the Fair Labor Standards Act of 1938, 29 U.S.C.
3 § 206(d), *et seq.*, as amended by the Equal Pay Act of 1963 (“EPA”), by providing
4 them with lower pay than similarly-situated males even though Plaintiff, and all
5 other similarly-situated females, performed the same or substantially similar duties
6 requiring the same skill, effort and responsibilities of their male counterparts, and
7 are or were performed under similar working conditions.

8 111. Steptoe so discriminated by subjecting Plaintiff and the Nationwide
9 EPA Class members to common discriminatory pay policies, including
10 discriminatory salaries, raises, bonuses and other compensation incentives, and
11 discriminatory assignments, denials of promotions, and other advancement
12 opportunities that would result in higher compensation, and other forms of
13 discrimination in violation of the EPA.

14 112. The differential in pay between males and females was not due to
15 seniority, merit, quantity or quality of production, but was due to gender.

16 113. Steptoe caused, attempted to cause, contributed to, or caused the
17 continuation of, the pay discrimination based on sex in violation of the EPA.

18 114. The foregoing conduct constitutes a willful violation of the EPA
19 within the meaning of 29 U.S.C. § 255(a). Because Steptoe has willfully violated
20 the EPA, a three-year statute of limitations applies to such violations.

21 115. As a result of Steptoe’s conduct, Plaintiff and the members of the
22 Nationwide EPA Class have suffered and will continue to suffer harm, including
23 but not limited to: lost earnings, lost benefits, and other financial loss, as well as
24 non-economic damages.

25 116. By reason of Steptoe’s discrimination, Plaintiff and the Nationwide
26 EPA Class members are entitled to all legal and equitable remedies available for
27 violations of the EPA including but not limited to, compensatory damages,
28

1 liquidated damages for all willful violations, prejudgment interest, attorneys' fees,
2 costs, and other compensation pursuant to 29 U.S.C. § 216(b).

3 **SECOND CLAIM FOR RELIEF**
4 **VIOLATIONS OF THE CALIFORNIA FAIR PAY ACT**
5 **California Labor Code § 1197.5, et seq.**
6 **(On Behalf of Plaintiff and the California Class)**

7 117. Plaintiff hereby incorporates and realleges each and every preceding
8 paragraph of this Complaint as if the same were set forth at length herein.

9 118. This cause of action is brought by Plaintiff, individually, and on behalf
10 of the California Class.

11 119. Steptoe has discriminated against Plaintiff and California Class
12 members in violation of California Labor Code § 1197.5, *et seq.* by paying Plaintiff
13 and California Class members less when compared against similarly-situated males
14 who performed the same or substantially similar work when viewed as a composite
15 of skill, effort, and responsibility, and which were performed under similar working
16 conditions. Steptoe so discriminated by subjecting them to discriminatory pay,
17 raises, and/or bonuses, discriminatory denials of promotions and other advancement
18 opportunities that would result in higher compensation, and other forms of
19 discrimination in violation of the California Fair Pay Act.

20 120. Steptoe caused, attempted to cause, contributed to, or caused the
21 continuation of, the wage rate discrimination based on sex in violation of the
22 California Fair Pay Act. Moreover, Steptoe willfully violated the California Fair
23 Pay Act by intentionally, knowingly, and deliberately paying Plaintiff and
24 California Class members less than similarly-situated males.

25 121. As a result of Steptoe's conduct and/or Steptoe's willful, knowing and
26 intentional discrimination, Plaintiff and the California Class members have suffered
27 and will continue to suffer harm, including but not limited to, lost earnings, lost
28 benefits, and other financial loss, as well as non-economic damages.

//

1 122. Plaintiff and the California Class members are therefore entitled to all
2 legal and equitable remedies, including but not limited to compensatory damages,
3 and liquidated damages.

4 123. Attorneys' fees should be awarded under California Labor Code
5 § 1197.5.

6 **THIRD CLAIM FOR RELIEF**
7 **VIOLATIONS OF CALIFORNIA'S UNFAIR COMPETITION LAW**
8 **Business and Professions Code § 17200, et seq.**
9 **(On Behalf of the Plaintiff and the California Class)**

10 124. Plaintiff hereby incorporates and realleges each and every preceding
11 paragraph of this Complaint as if the same were set forth at length herein.

12 125. This cause of action is brought by Plaintiff, individually, and on behalf
13 of the California Class.

14 126. Steptoe is a "person" as defined under California Business &
15 Professions Code § 17201.

16 127. Steptoe's failure to pay Plaintiff and California Class members equally
17 constitutes unlawful and/or unfair activity prohibited by California Business &
18 Professions Code § 17200. As a result of its unlawful and/or unfair acts, Steptoe
19 reaped and continues to reap benefits at the expense of Plaintiff and the California
20 Class members. Steptoe should be enjoined from these activities.

21 128. Accordingly, Plaintiff and the California Class members are entitled to
22 restitution with interest and other equitable relief.

23 //
24 //
25 //
26 //
27 //
28 //

PRAYER FOR RELIEF

1
2 WHEREFORE, Plaintiff, on behalf of herself, the Nationwide EPA Class,
3 and the California Class, prays that this Court:

4 a. Maintain the designation of this action as a collective action on behalf
5 of the proposed Nationwide EPA Class;

6 b. Certify this case as a class action maintainable under Federal Rules of
7 Civil Procedure Rule 23(a) and (b)(2), (b)(3) and/or (c)(4) on behalf of the
8 California Class, designate Plaintiff Houck as the Class Representative, and her
9 counsel as Class Counsel;

10 c. Declare and adjudge that Steptoe’s employment policies, practices
11 and/or procedures challenged herein are illegal and in violation of the rights of
12 Plaintiff, members of the Nationwide EPA Class, and members of the California
13 Class;

14 d. Issue a permanent injunction against Steptoe and its partners, officers,
15 owners, agents, successors, employees, and/or representatives, and any and all
16 persons acting in concert with them, enjoining them from engaging in any further
17 unlawful policies, practices, and/or policies giving rise to gender discrimination as
18 set forth herein;

19 e. Order Steptoe to initiate and implement programs that will: (1) provide
20 equal employment opportunities for female attorneys; (2) remedy the effects of
21 Steptoe’s past and present unlawful employment policies, practices and procedures;
22 (3) eliminate the continuing effects of the discriminatory and retaliatory conduct
23 described herein;

24 f. Order Steptoe to initiate and implement systems of assigning, training,
25 compensating and promoting female attorneys in a non-discriminatory manner;

26 g. Order Steptoe to establish a task force on equality and fairness to
27 determine the effectiveness of the programs described in (e) and (f), above, which
28 would provide for: (1) monitoring, reporting, and retaining jurisdiction to ensure

1 equal employment opportunity; (2) the assurance that injunctive relief is properly
2 implemented; and (3) a quarterly report setting forth information relevant to the
3 determination of the effectiveness of the programs described in (e) and (f), above;

4 h. Order Steptoe to adjust the salaries and benefits for its current female
5 attorneys to the level that they would be enjoying but for Steptoe's discriminatory
6 policies, practices and procedures;

7 i. Order that this Court retain jurisdiction of this action until such time as
8 the Court is satisfied that Steptoe has remedied the conduct complained of herein
9 and is determined to be in full compliance with the law;

10 j. Award back pay, front pay, lost benefits, and other damages for lost
11 compensation and job benefits with pre-judgment and post-judgment interest
12 suffered by Plaintiff, the Nationwide EPA Class members, and the California Class
13 members, in amounts to be determined at trial;

14 k. Order Steptoe to make whole Plaintiff, the Nationwide EPA Class
15 members, and the California Class members, by providing them with appropriate
16 lost earnings and benefits, and other affirmative relief;

17 l. Award nominal, compensatory, and liquidated damages to Plaintiff,
18 the Nationwide EPA Class members, and the California Class members;

19 m. Award litigation costs and expenses, including, but not limited to,
20 reasonable attorneys' fees, to Plaintiff, the Nationwide EPA Class members, and
21 the California Class members;

22 n. Award statutory and civil penalties as appropriate;

23 o. Award any other appropriate equitable relief to Plaintiff, the
24 Nationwide EPA Class members, and the California Class members;

25 p. Award any other relief as this Court may deem just and proper.

26 //

27 //

28 //

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DEMAND FOR JURY TRIAL

Plaintiff, on behalf of herself, the Nationwide EPA Class, and the California Class, demands a jury trial in this action for all claims so triable.

DATE: June 22, 2017

ANDRUS ANDERSON LLP

By: /s/ Lori E. Andrus
Lori E. Andrus

Lori E. Andrus (SBN 205816)
lori@andrusanderson.com
ANDRUS ANDERSON LLP
155 Montgomery Street, Suite 900
San Francisco, CA 94104
Telephone: (415) 986-1400
Facsimile: (415) 986-1474

Attorneys for Plaintiff